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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1803 of 1991

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GUJ AGRO-INDUSTRIES KRMACHARI MANDAL

Versus

GUJ AGRO-IND CORPORATION LTD

Appearance:

1. Special Civil Application No. 1803 of 1991
Mr. Vijay A. Patel for HL PATEL ADVOCATES
for Petitioner No. 1
MS PJ DAVAWALA for Respondent No. 1
..... for Respondent No. 2-10
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CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 04/11/2004

ORAL JUDGEMENT

1. In this petition, the petitioner has prayed to quash the order (Annexure B) appointing the respondents Nos. 3 to 10 as Management Trainees. The petitioner has also prayed to restrain the respondents No.1 and 2 from appointing the respondents Nos. 3 to 10 as Junior Executive in the service of the respondent No.1.

2. By order dated 10th October June 1991, the Court issued Rule and observed that all appointments which would be made hereinafter will be subject to the result of this petition.

3. Today, when the matter is called out for final hearing, the learned advocate for the respondents has drawn attention of the Court to the affidavit-in-reply filed by the respondent No.1. As stated in the said affidavit-in-reply, it is contended that the petitioner has mentioned in paragraph 6 of the petition that the respondents Nos. 3 to 10 have been appointed as Management Trainees and the said respondents would be regularly appointed in the regular pay-scale in the cadre of Junior Executive. So, the contention of the respondents is well founded since the respondents Nos. 3 to 10 are eligible to be appointed as Junior Executive. Not only that, it has also been categorically stated in the affidavit-in-rely that the respondent No.1-Corporation is strictly following the ratio of 1:1 qua direct recruits and promotees, and no deviation is made in any cadre by the respondents. It is further stated in the affidavit-in-rely that, otherwise also, the promotees from within the organisation are in excess of their quota, and the posts filled in by the direct recruits are below their quota in several cadres. So, the grievance of the petitioner is not justified. Besides, the Corporation has followed due procedure of selection for appointing the persons after interviewing them and only qualified persons are selected and, therefore also, the petition requires to be rejected.

4. It is submitted by the learned advocate for the petitioner that, by passage of time, the subject matter of the petition is no more required to be adjudicated particularly in view of the affidavit-in-reply filed by the respondents.

5. In view of the abovementioned facts, the subject matter of the petition, as challenged by the petitioner, has no merit and the action of the respondents-Authorities cannot be said to be arbitrary, discriminatory, unreasonable or violative, in any manner,

of Article 14 of the Constitution of India and, therefore, it does not require any interference by this Court in exercise of power under Article 226 of the Constitution of India.

6. Rule is discharged with no order as to costs.
The ad-interim relief stands vacated.

(Anant S. Dave, J.)
(swamy)